IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1116 (M/S) of 2006

Manjeet Singh,
S/o Sri Jagtar Singh,
Resident of Linepar Pirumadara,
Tehsil – Ram Nagar,
District – Nainital. **……Petitioner**

V e r s u s

1. State of Uttaranchal through Secretary, Ministry of Home Affairs, Uttaranchal, Dehradun.
2. District Magistrate, Nainital.
3. Senior Superintendent of Police, Nainital.

……Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Jitendra Chaudhary, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf o respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

I. *Issue a writ, order or direction in the nature of Mandamus Certiorari calling for the records and quash the entire proceedings of the case no. 51 of 2005 -06 State Vs. Manjeet Singh along with show cause notice dated 13.02.2006 (Annexure no. 1) pending before the respondent no. 2 i.e. District Magistrate, Nainital for cancellation of Arms license of the petitioner.*

II. *Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case.*

III. *Award cost of the petition.*

The facts narrated in the writ petition are that petitioner has challenged the show cause notice dated 13.02.2006 issued by District Magistrate, Nainital directing the petitioner to reply the show cause notice by 16.03.2006 why licence granted to him for arms should not be cancelled in view of the incident which has taken place on 07.09.2005 and also in view of cases registered against petitioner, which are Case Crime No. 1523 of 2005 under section 436, 427, 323, 504, 506 IPC; Case Crime No. 1757 of 2005 under section 160 IPC and Case Crime No. 1758 of 2005 under section 27/30 Arms Act.

Learned counsel for the petitioner has submitted that petitioner has already given his reply to the aforesaid show cause notice issued by District Magistrate, Nainital.

It is expected from the District Magistrate, Nainital to take decision on the matter within six weeks from the date of production of certified copy of this order.

It is well settled law no writ petition is maintainable against show cause notice, as such, writ petition is dismissed in limine, as not maintainable. No order as to costs.

(M.M. Ghildiyal, J)

August 21, 2006
SKSharma